

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

KEVIN D. HENDRICKS

CIVIL ACTION NO. 09-cv-0679

VERSUS

JUDGE STAGG

U.S. COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Kevin D. Hendricks (“Plaintiff”) filed this civil action to appeal the Commissioner’s denial of his application for disability benefits. Plaintiff, represented by attorney John G. Ratcliff, persuaded the court to reverse the Agency decision and remand the case for further proceedings. On remand, Plaintiff prevailed and obtained an award of past due benefits in excess of \$50,000 plus approximately \$970 per month in continuing benefits.

Ratcliff and Plaintiff have a contingency fee agreement that Ratcliff will be paid 25% of any past due benefits. The Agency withheld the 25% (\$17,124.25) for possible payment of attorney fees. Ratcliff represents that the Agency has already awarded him a fee of \$7,993.09 for his efforts before the Agency. He now presents to the court a Motion for Attorney Fees (Doc. 22) in which he asks for an award of \$9,131.16 for his work before the court, which would result in a total award of fees for work before the Agency and the court of the 25% of past due benefits that was withheld for that purpose.

The contingency fee agreement may provide the award sought pursuant to 42 U.S.C. §406(b) so long as the fee is reasonable under the facts of the case. Gisbrecht v. Barnhart,

122 S.Ct. 1817, 1828 (2002). The Commissioner filed a response and stated that he has found no basis for challenge the reasonableness of the requested fee and defers to the court's determination of reasonableness. Ratcliff's time records indicate 17.17 hours of time spent on efforts before the court, which results in an hourly rate of approximately \$530 for the court-related time. The court has reviewed the motion, in light of the applicable law and the considerations discussed in Stoneking v. Commissioner, 2011 WL 3328538 (W.D. La. 2011) with regard to the local market and lack of compensation in many unsuccessful cases, and finds that the requested fee is reasonable and not attributable to anything other than the attorney's own work. Accordingly, the Motion for Attorney Fees (Doc. 22) is granted, and a related order will be entered. Ratcliff represents that the previously ordered EAJA award of \$2,610 has not yet been paid but, when it is received, he will forward it to Plaintiff as required by the statute under these circumstances.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 26th day of October, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE